



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 14-041	Contact	Steven Robertson, 218 730 5295	
Application Type	MU-C Planning Review, Primary Parking Lot	Planning Commission Date	March 11, 2014	
Deadline for Action	Application Date	April 8, 2014	60 Days	June 7, 2014
	Date Extension Letter Mailed	April 22, 2014	120 Days	August 6, 2014
Location of Subject	4402 Grand Ave			
Applicant	Mike Jones - JP Subway Inc	Contact	mjones@northlandsubway.com	
Agent	Bill Scalzo	Contact	wscalzo@scalzoarchitects.com	
Legal Description	010-3610-08075			
Site Visit Date	April 30, 2014	Sign Notice Date	April 22, 2014	
Neighbor Letter Date	April 24, 2014	Number of Letters Sent	20	

Proposal

The applicant is requesting a MU-C Planning Review for an new primary use parking lot.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commercial	Neighborhood Commercial
North	MU-N	Institutional (School)	Neighborhood Commercial
South	MU-C/MU-B	Storage	Neighborhood Commercial
East	MU-B	Commercial	Neighborhood Commercial
West	MU-N	Commercial	Neighborhood Commercial

Summary of Code Requirements (reference section with a brief description):

50-15.3 MU-C District - Planning review by the Planning Commission is required for new development, redevelopment, and expansions in the MU-C district.

50-18.1E Storm Water Management - Addresses water runoff quality and quantity pre- and post-construction.

50-23 Connectivity and Circulation - Focuses on pedestrian and bicycle accommodations.

50-24 Parking and Loading - Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage and pedestrian circulation.

50-25 Landscaping and Tree Preservation - Speaks to landscaping standards such as materials, plant size, location, tree preservation and replacement.

50-26 Screening, Walls, and Fences - Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.

50-30 Design Standards - Building standards for multi-family, commercial, institutional, and industrial buildings.

50-31 Exterior Lighting - Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review - Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

10-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Neighborhood Commercial: Small- to moderate scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use. Principle #1- Reuse previously developed lands.

During the initial pre-application meeting for preliminary project review, the staff came to the conclusion that this specific project was likely not a stand alone primary use parking lot, but an accessory parking lot to the subway restaurant. Its purpose is to provide additional parking spaces to the main/primary use of this development: the Subway restaurant; if the restaurant was not going to be constructed, there likely was no interest in building the western parking lot by itself. With that being said, the guidance in the UDC for what a primary use parking lot should be is not as clear as it could be. If the Planning Commission makes a decision that this is a legitimate stand alone primary use parking lot, they may want to add additional conditions to the project (such as signage indicating that this parking spaces are not just limited to paying customers of Subway restaurant). Otherwise this site will be functionally an accessory parking lot that provides parking for the restaurant that exceeds UDC parking maximums.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant is requesting a MU-C Planning Review for an new 12 space parking lot. This project is a companion project with PL 14-040, an application for a primary use parking lot. Both proposed projects will share a common access off of Grand Avenue. Reference PL 14-040 for images of the site.
- 2) 50-15.3 - A primary use parking lot is a permitted use in the MU-C district.
- 3) 50-18.1 - Property is not within a shoreland or floodplain.
- 4) 50-23 - There will be no handicap parking space provided.
- 5) 50-24 - The applicant is providing 13 parking spaces on the site. Primary use parking lots do not have a parking requirement, and there is no maximum. The adjacent primary use parking lot (PL 14-040) will provide 15 parking spaces.
- 6) 50-25 - Parking lots of less than 25 parking spaces do not need to provide interior landscape islands, but still need to provide 30% shading of the tree canopy (at tree maturity).
- 7) 50-26 - No screening required.
- 8) 50-27 - Any signs will need to apply for and receive a building permit prior to installation.
- 9) 50-29 and 50-30- Not applicable to parking lots.
- 10) 50-31 - Lighting will meet UDC requirements for cut-off fixtures, pole height, etc.
- 11) No public, agency, or City comments were received.
- 12) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends that if the Planning Commission approve the MU-C Planning Review for the primary use parking lot, it should subject to the following minimum conditions:

- 1) The project be limited to, constructed, and maintained according to the Site Plan and Landscape Plan revised April 22, 2014.
- 2) The applicant demonstrate that the joint access agreement between this parcel and the adjacent primary use parking lot (if approved) has been recorded.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

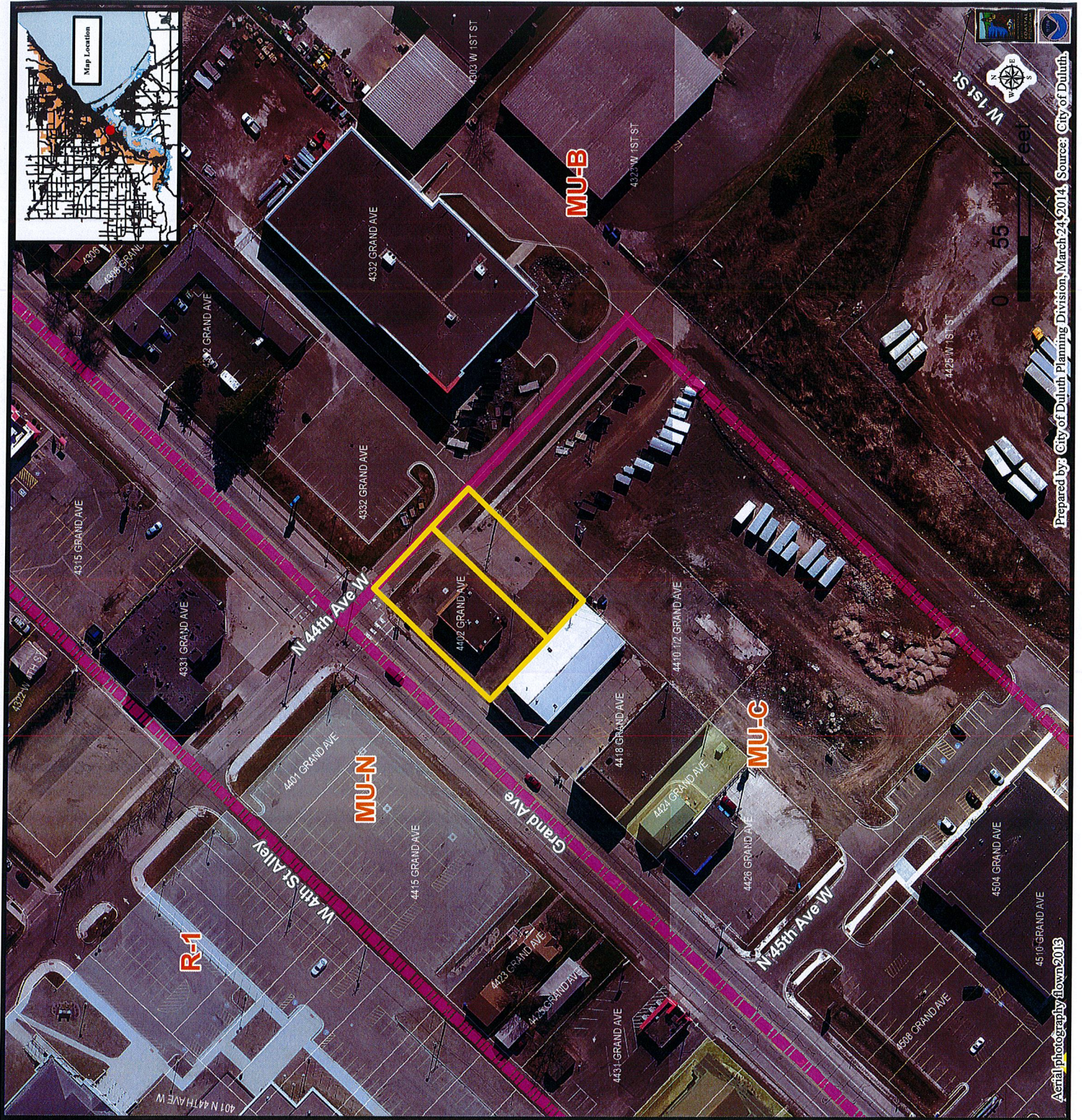
Q-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 14-040 and 14-041
4402 and 4410 Grand Ave



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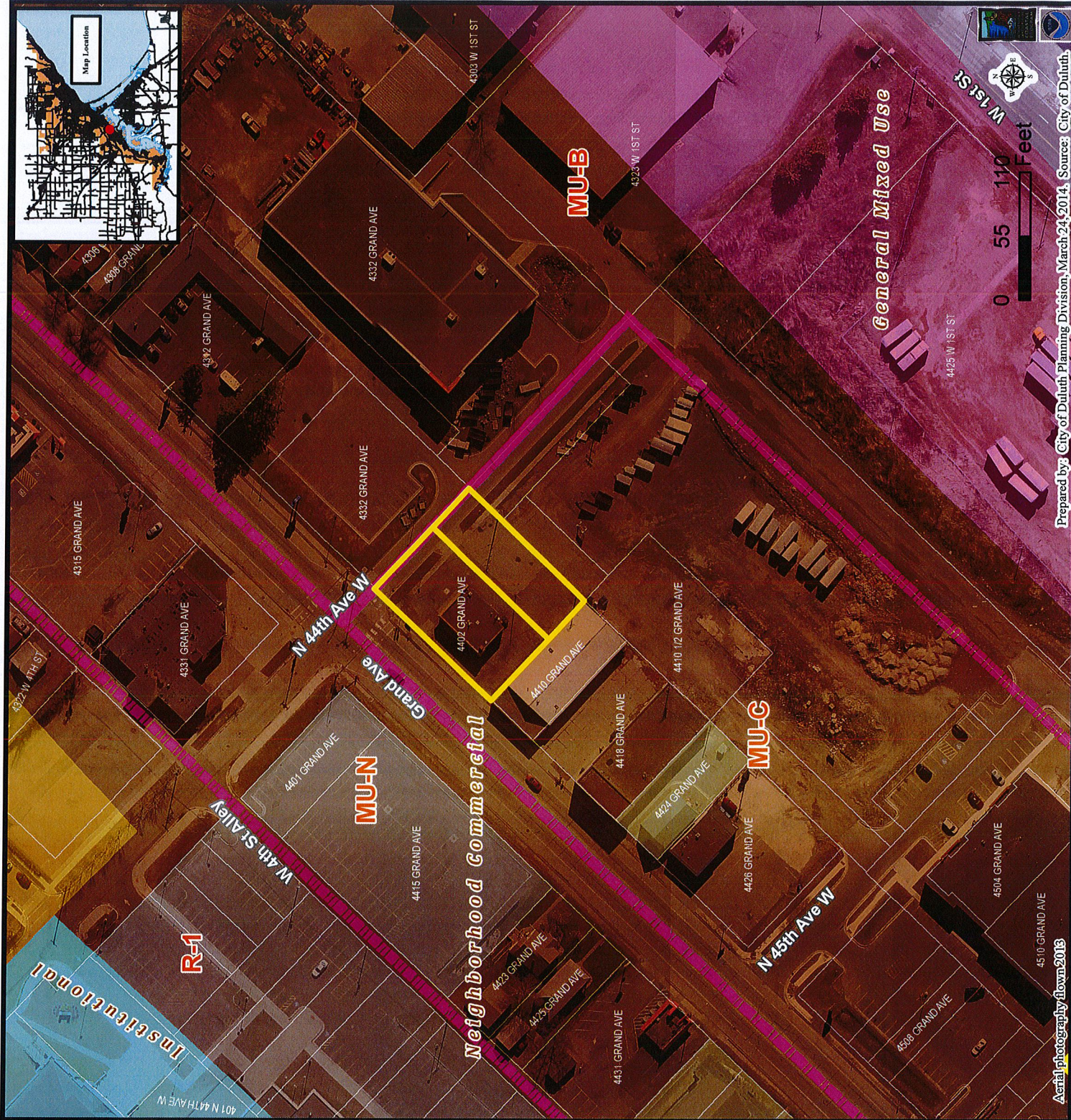
Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, March 24, 2014, Source: City of Duluth



City Planning

PL 14-040 and 14-041
4402 and 4410 Grand Ave



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Q-4

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City Planning

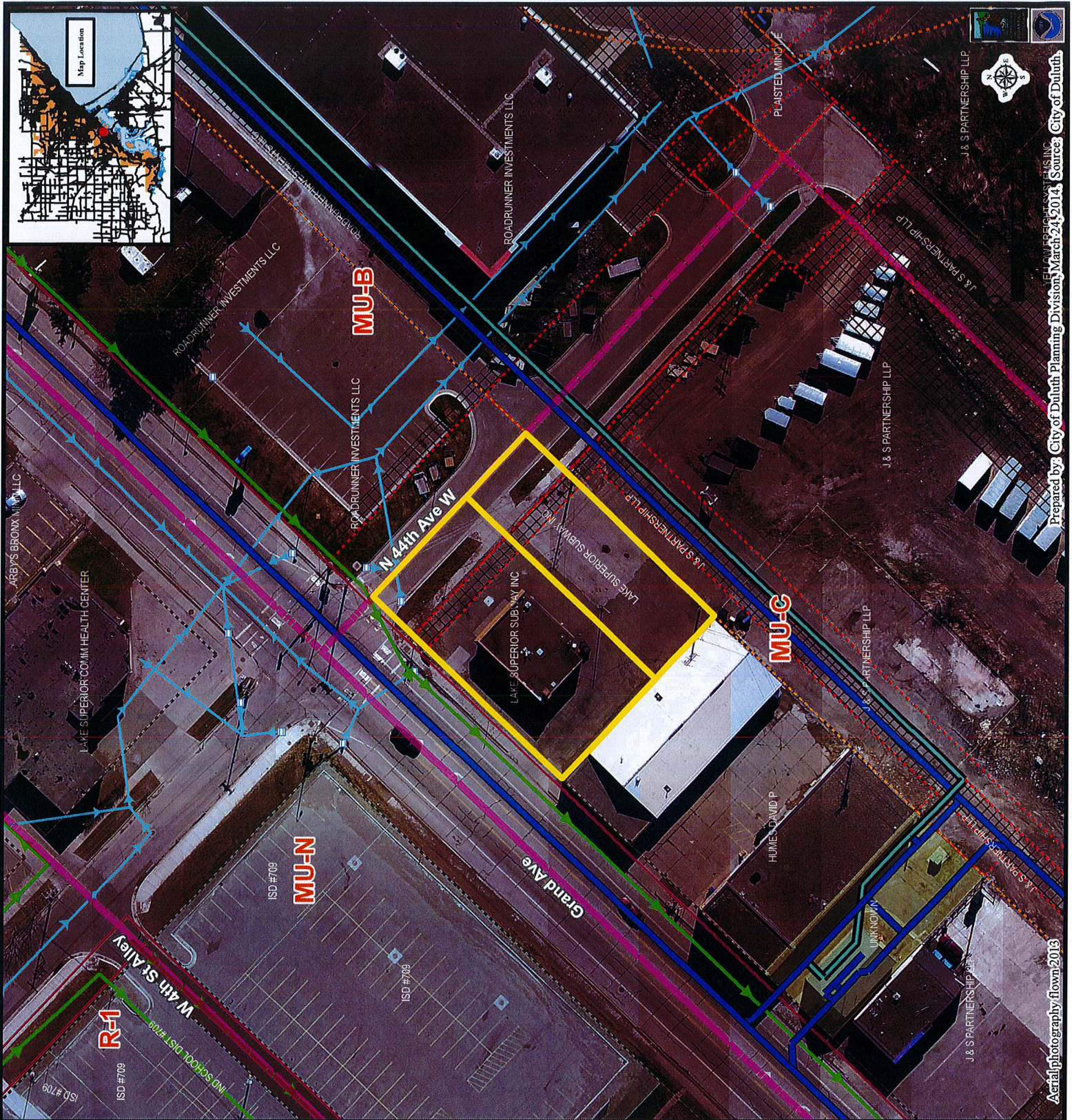
PL 14-040 and 14-041
4402 and 4410 Grand Ave

Legend

	Zoning Boundaries
	Stream Type
	Trout Stream (GPS)
	Other Stream (GPS)
	Water Distribution System
	30 - 60" Water Pipe
	16 - 24" Water Pipe
	4 - 6" Water Pipe
	Sanitary Sewer Collection System
	Sanitary Sewer Collector
	Sanitary Sewer Interceptor
	Sanitary Sewer Forced Main
	Storage Basin
	Pump Station
	Gas Distribution Main
	8" - 16" Gas Pipes
	4" - 6" Gas Pipes
	0" - 4" Gas Pipes
	Storm Sewer Collection System
	Storm Sewer Pipe
	Storm Sewer Catch Basin
	Discharge Points
	Right-of-Way Type
	Road or Alley ROW
	Vacated ROW
	Easement Type
	Utility Easement
	Other Easement
	Shoreland Overlay Zone
	Cold Water
	Natural Environment
	General Development
	Floodplain Type
	General Flood Plain
	Flood Way
	Flood Fringe

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, March 24, 2014. Source: City of Duluth.



Q-6

GALLO architects
 SCALZO ARCHITECTS LTD.
 1400 W. WISCONSIN
 DULUTH, MINNESOTA 55812
 TEL: 719.721.4319
 FAX: 218.722.5332

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.
 WILLIAM B. SCALZO
 DATE: _____
 LICENSE NO: 19130

Northeast
 Consulting Engineers LLP
 11000 Highway 101, Suite 101
 Duluth, MN 55812
 Tel: (763) 777-7795
 Fax: (763) 777-7796
 www.northeast-engineers.com

PARKING LOT
 4410 CHAD AVENUE
 DULUTH, MINNESOTA 55807
 OWNER:
 JP SUBWAY INC.
 1400 W. WISCONSIN
 DULUTH, MINNESOTA 55812

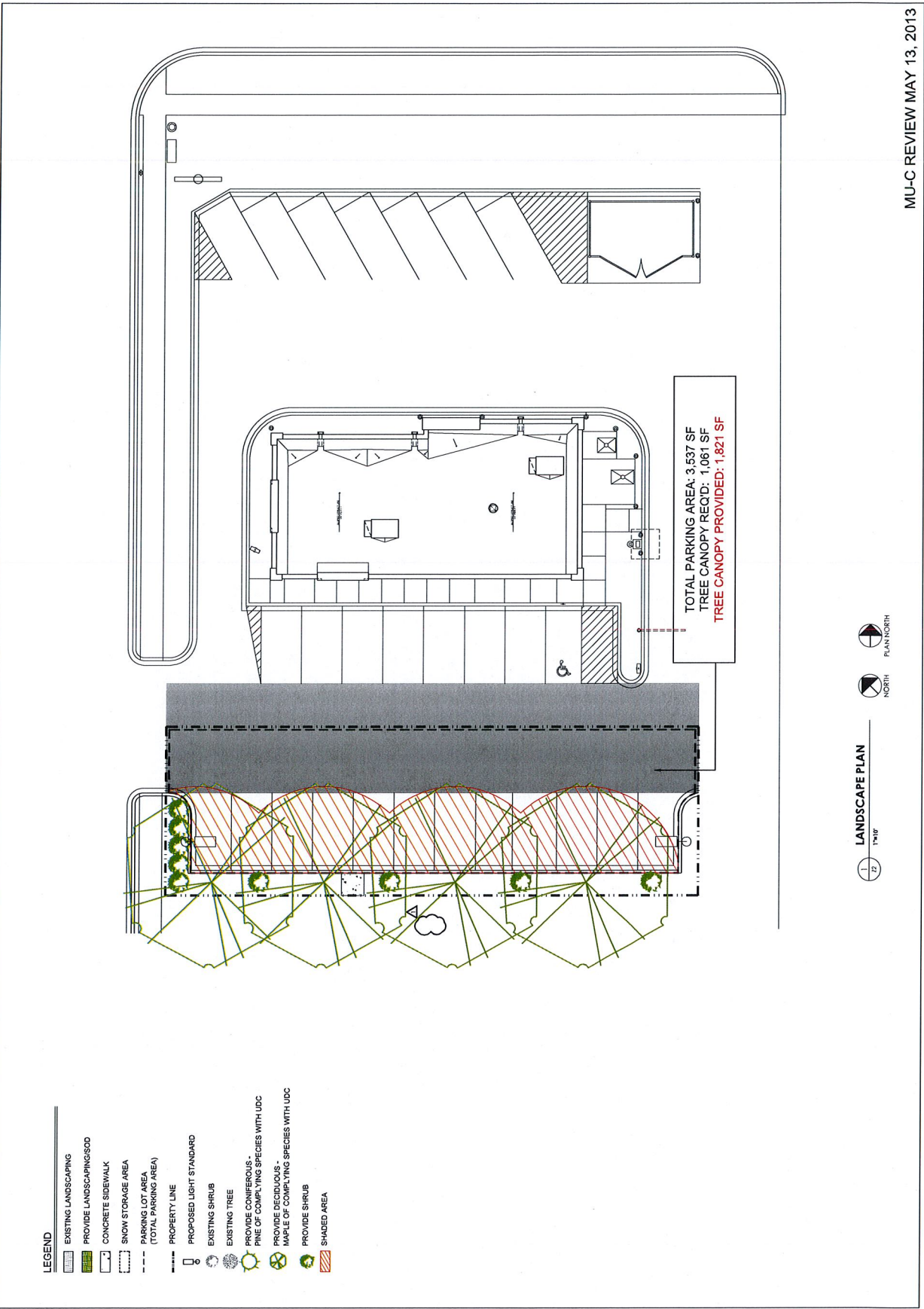
LANDSCAPE PLAN
 APRIL 22, 2014

REVISIONS:

DATE: _____
 DRAWN: TJB
 CHECKED: WBS
 PROJECT: 1402

0' 1" 2"
 FULL SCALE

SHEET NO.
22



MU-C REVIEW MAY 13, 2013

Q-8



May 5, 2014

Duluth City Planning Commission
City of Duluth-Planning Division
411 West First Street
Duluth, Minnesota 55802

Re: MU-C Planning Review
4402 Grand Avenue
4410 Grand Avenue

Commissioners

The proposed new Subway Restaurant and the proposed Parking Lot are an important step toward the re-development of the Grand Avenue corridor. The re-development of these sites will result in the removal of older underutilized buildings, the re-use of existing sites that contain contaminated soil conditions, and provides a reduction in the existing impervious surface. Additionally the proposed re-development includes a significant improvement of the landscaping which will have an impact on the surrounding neighborhood.

The business Owner, Mike Jones, has indicated that based on years of operating experience the appropriate number of parking spaces is 30 to 35 for a restaurant of this size. Our plan for this re-development is to retain the two parcels. One parcel will be developed with the Subway Restaurant as its primary use. There will be 15 parking spaces (based on the UDC, 18 spaces is the maximum allowed) on the parcel with the Subway. The second parcel will be developed with a Parking Lot as its primary use which will provide 12 parking spaces. The resulting total parking spaces of 27 is adequate to serve the Subway Restaurant.

We are confident that you will agree that the proposed re-development meets and exceeds all of the requirements outlined by the Unified Development Code. Thank you for your consideration.

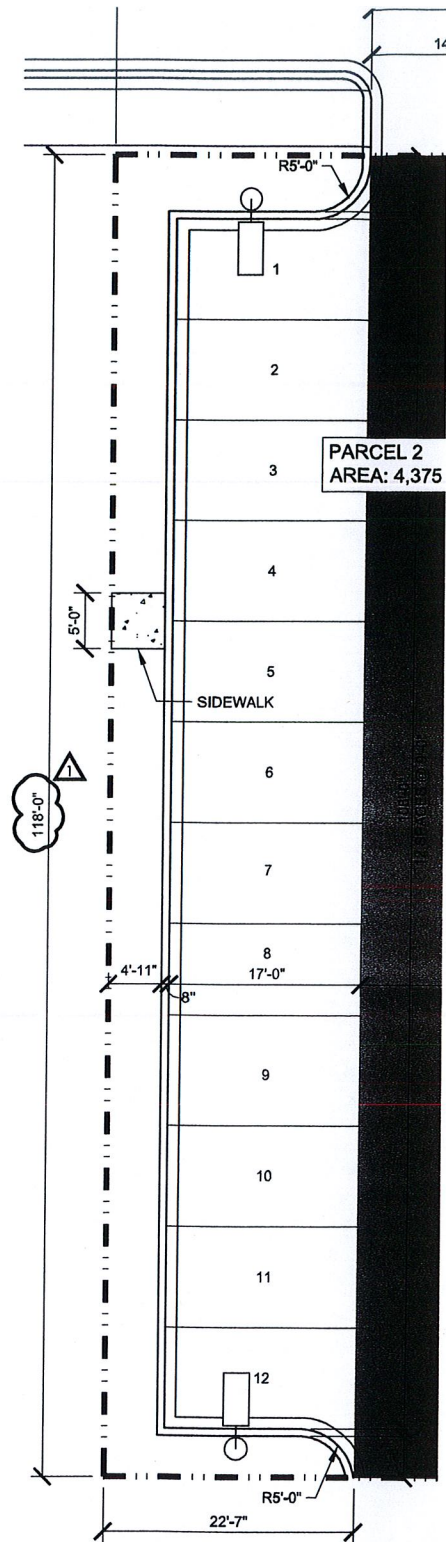
Sincerely

William B. Scalzo CCS, CSI, AIA
Principal Architect

Q-9

ZONING COMPLIANCE SUMMARY

CODES USED:	UNIFIED DEVELOPMENT CHAPTER 50	JULY 11, 2013
LAND USE CATEGORY:	TABLE 50-19.8	PARKING LOT (PRIMARY USE)
ZONE DISTRICT:	MU-C	MIXED USE-COMMERCIAL
DIMENSIONAL STANDARDS:	TABLE 50-15.3-1 MINIMUM LOT AREA MINIMUM LOT FRONTAGE MINIMUM DEPTH FRONT YARD MINIMUM WIDTH SIDE YARD MINIMUM WIDTH REAR YARD MAXIMUM HEIGHT OF STRUCTURE	NA NA 0'-0" 0'-0" 0'-0" 45'-0"
NATURAL RESOURCES OVERLAY (NR-O):	50-18.1 FLOODWAY FLOOD FRINGE SHORELANDS STORM WATER MANAGEMENT/EROSION CONTROL	NO NO NO ZONE B
TEMPORARY EROSION AND SEDIMENT CONTROLS:	TABLE 50-18.2-1 LAND AREA DISTURBED ESCP PLAN AND PERMIT MS4 STATEMENT OF COMPLIANCE	> 10,000 < 1 ACRE REQUIRED REQUIRED
PERMANENT WATER QUALITY AND DISCHARGE RATE CONTROLS:	TABLE 50-18.1.E-2 IMPERVIOUS AREA WATER QUALITY TREATMENT RUNOFF RATE CONTROLS MS4 STATEMENT OF COMPLIANCE	> 3,000 < 1 ACRE REQUIRED REQUIRED REQUIRED
TREATMENT REQUIREMENTS:	TABLE 50-18.1.E-3 REDEVELOPMENT < 1 ACRE	10% REDUCTION IN IMPERVIOUS SURFACE
DISCHARGE RATE LIMITS:	TABLE 50-18.1.E-4 REDEVELOPMENT	ZONE B - BELOW BLUFF LINE
AIRPORT OVERLAY (A-O):	50-18.2	NA
HISTORIC RESOURCES OVERLAY (HR-O):	50-18.3	NA
SKYLINE PARKWAY OVERLAY (SP-O):	50-18.4	NA
HIGHER EDUCATION OVERLAY (HE-O):	50-18.5	NA
USE SPECIFIC STANDARDS:	COMMERCIAL USES 50-20.3 D	50-20.3 PRIMARY USE PARKING AT LEAST 50 FEET FROM R
OFF-STREET PARKING:	TABLE 50-24-1 PARKING LOT	NO REQUIREMENT
OFF-STREET LOADING:	TABLE 50-24.5 RESTAURANT WITH DRIVE THROUGH	NOT APPLICABLE
LANDSCAPING AND TREE PRESERVATION:	50-25 NOT REQUIRED < 10,000 SF OF LOT AREA	
STREET FRONTAGE LANDSCAPING:	TABLE 50-25-1 LOT 10,000 TO 20,000 SF REQUIRED TREES REQUIRED SHRUBS	5 FEET ALONG STREET FRONTAGE 1 PER 35 FEET OF LINEAR FRONTAGE 1 PER 25 FEET OF LINEAR FRONTAGE
PARKING LOT LANDSCAPING:	50-25.4 PERIMETER SCREENING REQUIRED TREES REQUIRED SHRUBS INTERIOR TREE CANOPY	5 FEET FROM PUBLIC STREET 1 PER 35 FEET OF LINEAR FRONTAGE 3 PER 25 FEET OF LINEAR FRONTAGE NA LESS THAN 25 SPACES 30% AT MATURITY
LANDSCAPING CREDIT TO PRESERVE EXISTING TREES:	50-25.6 NOT APPLICABLE	NO EXISTING TREES
SCREENING OF MECHANICAL EQUIPMENT:	50-26.1 REQUIRED ROOF-MOUNTED EQUIPMENT GROUND-MOUNTED EQUIPMENT	YES FROM PUBLIC RIGHT-OF-WAY ADJOINING PROPERTY AND PUBLIC RIGHT-OF-WAY
SCREENING OF SERVICE/OFF-STREET LOADING AREAS:	50-26.2 NOT APPLICABLE	
SCREENING AND LOCATION OF COMMERCIAL CONTAINERS:	50-26.3 COMMERCIAL CONTAINERS	REQUIRED
SIGNS:	50-27 PERMIT REQUIRED SIGN TYPES TABLE 50-27	SEPARATE APPLICATION WALL SIGN 50-27.7.1 FREESTANDING SIGN - POLE 50-27.7 H
SUSTAINABILITY STANDARDS:	50-29 NOT REQUIRED DEVELOPMENT ON PREVIOUSLY USED LAND WITH CONTAMINATED SOIL	< 10,000 SF GROSS FLOOR AREA
DESIGN STANDARDS:	50-30 NOT REQUIRED	< 10,000 SF GROSS FLOOR AREA
EXTERIOR LIGHTING:	50-31 REQUIRED MAXIMUM ILLUMINATION ON PROPERTY MAXIMUM ILLUMINATION AT PROPERTY LINE MAXIMUM ILLUMINATION AT RIGHT-OF-WAY MAXIMUM/MINIMUM RATIO	NEW PRIMARY STRUCTURE 10 FOOT CANDLES 1 FOOT CANDLES 2 FOOT CANDLES 15:1
PROJECT SPECIFIC		
TREATMENT REQUIREMENTS:	EXISTING IMPERVIOUS SURFACE 100% REDEVELOPED IMPERVIOUS SURFACE 83%	
OFF-STREET PARKING:	NO MAXIMUM LIMIT	
STREET FRONTAGE LANDSCAPING:	NO REQUIREMENT	
PARKING LOT LANDSCAPING:	57 LINEAR FEET 1 TREE 5 SHRUBS CANOPY 30%	
EXTERIOR LIGHTING:	PHOTOMETRIC LIGHTING STUDY TO BE INCLUDED WITH BUILDING PERMIT APPLICATION DOCUMENTS	
LEGAL DESCRIPTION:	PARTIAL LOT 6 - BLOCK 70 - ONEOTA PARCEL DESCRIPTION, SURVEY AND FILING IS IN PROGRESS	



1
Z1

SITE PLAN

1"=10'

Q-10